



Public Notice

U.S. Army Corps of Engineers, Norfolk District

December 14, 2012

CENAO-REG
NAO-2003-01474 (Cedar Run)

FEDERAL PUBLIC NOTICE

The District Engineer has received a mitigation site addendum to establish stream credits on the Bender Farm (Potomac River Umbrella Mitigation Bank) compensatory mitigation site for Federal and State permits as described below:

BANK SPONSOR

Marsh Resources, Inc.
Attn: Allen Smith
2800 Post Oak Boulevard
Houston, Texas 77056

WATERWAY AND LOCATION OF THE PROPOSED WORK: The approved mitigation site is located on approximately 24.45 acres of private land and is part of the Potomac River Umbrella Mitigation Bank. The mitigation site has been placed under easement with Marsh Resources, Inc. The site is located on a larger 300 acre parcel, directly adjacent to Cedar Run and in Fauquier County, Virginia. .

PROPOSED WORK AND PURPOSE: The sponsor proposes to revise the currently approved credit plan to convert a portion of released wetlands credits to stream credits. The purpose of the mitigation project is to provide off-site compensatory mitigation associated with Department of Army and Virginia Department of Environmental Quality permits that resulted in unavoidable impacts to stream and other waters of the United States and in the Chesapeake Bay Drainage basin. The goal of the mitigation site is to provide appropriate mitigation for impacts, within the authorized service area, by providing stream buffer preservation in addition to the already completed wetland establishment and wetland buffer preservation.

The sponsor has proposed, for purposes of Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act, that the geographic service area of this mitigation site would include the USGS Hydrologic Unit Codes 02070008 and 02070010. This proposed service area would include portions of the Loudoun and Fauquier Counties.

Oversight of this mitigation site will be by a group of federal and state agency representatives. This interagency oversight group will be known as the Interagency Review Team (IRT). The Norfolk District of the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality shall co-chair the IRT.

This mitigation site may be one of a number of practicable options available to applicants to compensate for unavoidable wetland impacts associated with permits issued under the authority of Section 404 and 401 of the Clean Water Act (Public Law 95-217) in southern Virginia.

The actual approval of the use of this mitigation site for a specific project is the decision of the Corps pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act and by the Department of Environmental Quality pursuant to Section 401 of the Clean Water Act and Title 62.1 of the Code of Virginia. The Corps and the Department of Environmental Quality provide no guarantee that any particular individual or general permit will be granted authorization to use this mitigation site to compensate for unavoidable wetland impacts associated with a proposed permit, even though compensatory mitigation may be available. Authorization by the Virginia Marine Resources Commission may also be required for its use for specific projects.

AUTHORITY: Issuance of a public notice regarding proposed mitigation sites is required pursuant to the “Compensatory Mitigation for Losses of Aquatic Resources; Final Rule,” (Rule) as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 CFR Parts 325 and 332).

FEDERAL EVALUATION OF PROPOSAL: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate this proposed mitigation site. This is not an application for work in Waters of the United States. The Corps of Engineers in evaluating this proposal will consider any comments received. Comments are used to assess impacts on endangered species, historic properties, water quality, conservation, economics, aesthetics, general environmental concerns, wetlands, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) conduct of work will not affect species listed as threatened or endangered under the Endangered Species Act of 1973 (PL 93-205); and (3) the project will not have an effect on properties listed on the National Register of Historic Places. Additional information might change any of these preliminary findings.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed project is described above in Proposed Work and Purpose. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers – Warrenton Field Office (ATTN: Anna Lawston), PO Box 578, Amissville, Virginia 20106 or to anna.r.lawston@usace.army.mil with the project name and number in the subject line. Comments must be received by the close of business on Monday, January 14, 2013. Copies will be forwarded to the DEQ.

If you have any questions or would like to request a hard copy, please contact Ms. Anna Lawston in the Warrenton Field Office at PO Box 578, Amissville, Virginia 20106, at (540) 937-4197 or anna.r.lawston@usace.army.mil. For and on behalf of, Nicholas L. Konchuba, Chief, Northern Virginia Regulatory Section;

FOR THE DISTRICT ENGINEER:

A handwritten signature in cursive script, appearing to read "Anna R. Lawston".

Anna R. Lawston
Project Manager
Northern Virginia Regulatory Section

Attachment: Drawings